



U.S. Department of Justice

United States Attorney
Southern District of New York

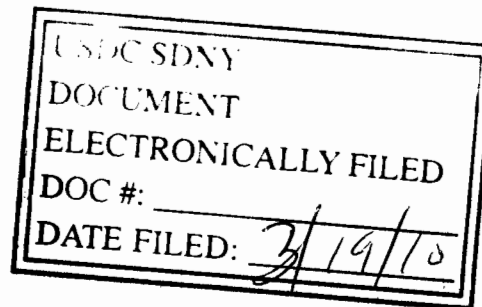
86 Chambers Street, 5th Floor
New York, New York 10007

March 18, 2010

BY FACSIMILE (212) 805-4268

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: David Heyman v. United States of America,
09 Civ. 2238 (GWG)



Dear Judge Gorenstein:

I am the Assistant United States Attorney representing the Government in the above-referenced action. I write respectfully to request that the deadline for expert discovery which, pursuant to Your Honor's November 19, 2009 Order, is next Monday, March 22, 2010, be extended to no later than April 6, 2010, for the sole purpose of allowing the Government to obtain documents and to take the deposition of Plaintiff's expert, Dr. Jerry Lubliner. This request will not affect the other deadlines contained in the Court's November 19, 2009 Order. I have conferred with Plaintiff's counsel who consents to the request.

This is a Federal Tort Claims Act lawsuit arising from a slip and fall suffered by Plaintiff while incarcerated at the Federal Correctional Institution in Otisville, New York. On February 22, 2010, as required by the Court's November 19 Order, the parties exchanged expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2), at which time Plaintiff identified Dr. Lubliner as an expert witness. The parties' efforts to schedule Dr. Lubliner's deposition had been delayed for a period of time because they could not reach an agreement on the amount of the fee that Dr. Lubliner would be charging, but the parties have now resolved their differences.

Dr. Lubliner is not, however, available for a deposition until April 6, 2010 at 2:00 p.m. Given that expert discovery ends on March 22, 2010, we respectfully request that expert discovery be extended until April 6, 2010 so that the Government may have the opportunity to obtain any relevant documents from Dr. Lubliner and then take his deposition.

Granted.

SO ORDERED: DATE: 3/18/2010

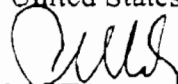
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

I thank the Court for its consideration of this matter.

Respectfully,

PREET BHARARA
United States Attorney

By:



BERTRAND MADSEN
Assistant United States Attorney
Telephone: (212) 637-2715
Facsimile: (212) 637-2750

cc: BY FACSIMILE
Eric E. Rothstein, Esq.
Counsel for Plaintiff
Fax: (212) 385-7845